

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GEORGE A. JACKSON, et al.,)
)
Plaintiffs,)
)
v.) Civ. No. 05-823-KAJ
)
STANLEY TAYLOR, et al.,)
)
Defendants.)

ORDER

Twenty-seven plaintiffs currently remain in this action. The others have been dismissed from this action, either upon his own motion, or by this Court. (D.I. 65, 69.) The twenty-seven plaintiffs in this case, all who are presently incarcerated, have requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 as follows: George A. Jackson (D.I. 1); Adrain Wright (D.I. 24); Roy R. Williamson (D.I. 25); Darwin A. Savage (D.I. 26); Jose Serpa (D.I. 27); Anthony Morris (D.I. 28); Eldon Potts (D.I. 30); Lawrence B. Dickens (D.I. 31); Howard Parker (D.I. 32); Gilbert Williams (D.I. 33); James Johnson (D.I. 34); Joseph White (D.I. 35); Kevin Spivey (D.I. 36); Roger Thomas (D.I. 37); Danny Quillen (D.I. 39); Gilbert Williams (D.I. 40); Charles Blizzard (D.I. 41); Darus Young (D.I. 42); Samuel Jones (D.I. 44); Vernon Truitt (D.I. 49); Carl Walker (D.I. 50); Rique Reynolds (D.I. 51); Charles B. Sanders (D.I. 52); Timothy L. Malloy (D.I. 53); Roderick Brown (D.I. 56); Jerome Green (D.I. 58); and John F. Davis (D.I. 72).

Consistent with 28 U.S.C. § 1915(a)(1) and (2), each of the remaining twenty-seven plaintiffs have submitted: (1) an affidavit stating that he has no assets with which

to prepay the filing fee; and (2) a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the above-referenced complaint. Based on the plaintiffs' submissions, the requests to proceed *in forma pauperis* (D.I. 1, 24, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 41, 42, 44, 49, 50, 51, 52, 53, 56, 58, 72) are **GRANTED**.

Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiffs shall be assessed the filing fee of \$250.00. The plaintiffs are jointly and severally liable for the \$250.00 filing fee. The Court has determined that the \$250.00 filing fee shall be divided among the remaining plaintiffs. Each plaintiff shall be required to pay either an initial partial filing of \$9.26, or an initial partial filing fee of 20 percent (20%) of the greater of his average monthly deposit or average monthly balance in the trust fund account.

IT IS HEREBY ORDERED that plaintiffs shall pay the \$250.00 filing fee as follows:

Charles Blizzard, SBI #166670, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Roderick Brown, SBI #315954, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

John F. Davis, SBI #00263753, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward the initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Lawrence B. Dickens, SBI #124570, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Jerome Green, SBI #147772, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$8.87** and subsequent payments to the Clerk of the Court.

George A. Jackson, SBI #171250, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

James Johnson, SBI #155123, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Samuel Jones, SBI #465297, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having

custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Tim L. Malloy, SBI #171278, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.04** and subsequent payments to the Clerk of the Court.

Anthony Morris, SBI #300363, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Howard Parker, SBI #165324, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.12** and subsequent payments to the Clerk of the Court.

Eldon Potts, SBI #211193, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Danny Quillen, SBI #211182, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Rique Reynolds, SBI #266486, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Charles B. Sanders, SBI #160428, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Darwin A. Savage, SBI #232561, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Jose Serpa, SBI #350322, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Kevin Spivey, SBI #258693, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Roger Thomas, SBI #292590, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having

custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Vernon Truitt, SBI #00188191, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Carl Walker, SBI #173378, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Joseph White, SBI #082985, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$7.30** and subsequent payments to the Clerk of the Court.

Frank Williams, SBI #261867, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Gilbert Williams, SBI #137575, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

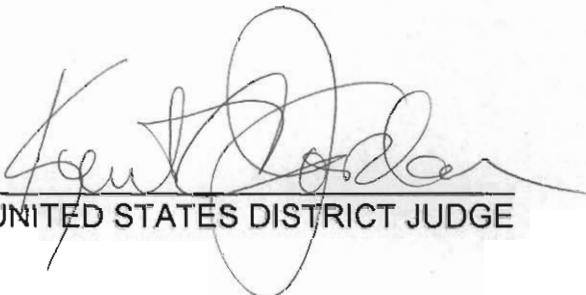
Roy R. Williamson, SBI #291856, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$9.26** and subsequent payments to the Clerk of the Court.

Adrain Wright, SBI #169921, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$1.31** and subsequent payments to the Clerk of the Court.

Darus Young, SBI #00282852, shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward an initial partial filing fee of **\$4.14** and subsequent payments to the Clerk of the Court.

THE FAILURE OF ANY PLAINTIFF TO RETURN THE AUTHORIZATION FORM WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THAT PLAINTIFF FROM THIS ACTION WITHOUT PREJUDICE AND POSSIBLE REAPPORTIONMENT OF THE FILING FEE AMONG THE REMAINING PLAINTIFFS. NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.

Upon receipt of this order and the authorization forms, the Warden or other appropriate official at Sussex Correctional Institution having custody of each plaintiff shall be required to deduct the stated initial partial filing fee for each plaintiff as set forth in this order, from each plaintiff's trust account when such funds become available, and forward that amount to the Clerk of the Court. Thereafter, absent further order of the Court, each time that the balance in each plaintiff's trust account exceeds \$10.00, the Warden or other appropriate official at Sussex Correctional Institution, or at any prison at which each plaintiff is or may be incarcerated, shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to the plaintiff's trust account and forward that amount to the Clerk of the Court until the \$250.00 filing fee is paid in full.



UNITED STATES DISTRICT JUDGE

March 6, 2006
Wilmington, Delaware